

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 Case No. 2:19-cv-01389-JAD-VCF

4 Moorish National Republic Federal
5 Government; and Antonio El, Consulate
6 General,

7 Plaintiff

8 v.

9 U.S. Department of State, et al.,

10 Defendants

**Order Adopting Report and
Recommendation and Dismissing Case**

[ECF No. 5]

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12 On October 11, 2019, the Magistrate Judge issued a report and recommendation that the
13 district court dismiss this case because the plaintiffs have failed to comply with the Court's
14 orders to file a new application to proceed *in forma pauperis* and to update their mailing address
15 with the court.¹ The deadline for objections to that report and recommendation passed without
16 any filing from the plaintiffs, and "no review is required of a magistrate judge's report and
17 recommendation unless objections are filed."²

18 District courts have the inherent power to control their dockets and "[i]n the exercise of
19 that power, they may impose sanctions including, where appropriate . . . dismissal" of a case.³ A
20 court may dismiss an action based on a party's failure to prosecute an action, failure to obey a
21 court order, or failure to comply with local rules.⁴ In determining whether to dismiss an action

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23 ¹ ECF No. 5.

24 ² *Schmidt v. Johnstone*, 263 F. Supp. 2d 1219, 1226 (D. Ariz. 2003); *see also Thomas v. Arn*, 474
25 U.S. 140, 150 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003).

26 ³ *Thompson v. Hous. Auth. of City of Los Angeles*, 782 F.2d 829, 831 (9th Cir. 1986).

27 ⁴ *See Ghazali v. Moran*, 46 F.3d 52, 53–54 (9th Cir. 1995) (dismissal for noncompliance with
28 local rule); *Ferdik v. Bonzelet*, 963 F.2d 1258, 1260–61 (9th Cir. 1992) (dismissal for failure to
comply with an order requiring amendment of complaint); *Carey v. King*, 856 F.2d 1439, 1440–

1 on one of these grounds, the court must consider: (1) the public’s interest in expeditious
2 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of prejudice to the
3 defendants; (4) the public policy favoring disposition of cases on their merits; and (5) the
4 availability of less drastic alternatives.⁵

5 The first two factors, the public’s interest in expeditiously resolving this litigation and the
6 court’s interest in managing its docket, weigh in favor of dismissal of the plaintiff’s claims. The
7 third factor, risk of prejudice to defendants, also weighs in favor of dismissal because a
8 presumption of injury arises from the occurrence of unreasonable delay in filing a pleading
9 ordered by the court or prosecuting an action.⁶ A court’s warning to a party that its failure to
10 obey the court’s order will result in dismissal satisfies the fifth factor’s “consideration of
11 alternatives” requirement,⁷ and that warning was given here.⁸ The fourth factor—the public
12 policy favoring disposition of cases on their merits—is greatly outweighed by the factors
13 favoring dismissal.

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21 41 (9th Cir. 1988) (dismissal for failure to comply with local rule requiring *pro se* plaintiffs to
22 keep court apprised of address); *Malone v. U.S. Postal Service*, 833 F.2d 128, 130 (9th Cir.
23 1987) (dismissal for failure to comply with court order); *Henderson v. Duncan*, 779 F.2d 1421,
1424 (9th Cir. 1986) (dismissal for lack of prosecution and failure to comply with local rules).

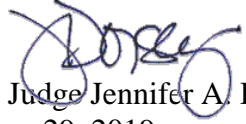
24 ⁵ *Thompson*, 782 F.2d at 831; *Henderson*, 779 F.2d at 1423–24; *Malone*, 833 F.2d at 130;
25 *Ferdik*, 963 F.2d at 1260–61; *Ghazali*, 46 F.3d at 53.

26 ⁶ *See Anderson v. Air West*, 542 F.2d 522, 524 (9th Cir. 1976).

27 ⁷ *Ferdik*, 963 F.2d at 1262; *Malone*, 833 F.2d at 132–33; *Henderson*, 779 F.2d at 1424.

28 ⁸ ECF Nos. 2, 5.

1 Accordingly, with good cause appearing and no reason to delay, IT IS HEREBY
2 ORDERED that the Report and Recommendation [ECF No. 5] is **ADOPTED**, and **this case is**
3 **DISMISSED** for failure to file a notice of changed address and new IFP application as directed
4 by the Court. **The Clerk of Court is directed to ENTER JUDGMENT accordingly and**
5 **CLOSE THIS CASE.**

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9 U.S. District Judge Jennifer A. Dorsey
10 Dated: October 29, 2019
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